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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,575	04/30/2001	John H. Lambert	2002635-0002	2230

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EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,575

Applicant(s)

LAMBERT ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/30/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: original application filed 04/30/2001.
2. Claims 1-22 are currently pending in this application. Claims 1, 2, 21 and 22 are independent claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated over Finch, II et al. (hereinafter Finch) (US Patent No. 6,282,567 B1 issued August 2001).**

**In regard to independent claim 1**, Finch teaches, Internet user enters one or more search term and requests that the search engine find and list Internet sites relating to the search terms, col. 2, lines 6-8; compare with claim 1 *“receiving a request for a web page content from a requestor”*,

Finch also teaches, detects whether a user or a search engine spider accesses a search engine content page, Finch col. 4, lines 3-4; compare with claim 1 "*identifying the requestor is human visitor or a search engine spider*", and

Finch also teaches, redirects the user to the company web server or to a client web server, Finch col. 4, lines 8-9; compare with claim 1 "*redirecting identified human visitors to a web page in an existing web site*".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finch, and in view of Chiu et al. (hereinafter Chiu) (US Patent No. 5,752,022 issued May 1998).

In regard to dependent claim 7, Finch ***does not explicitly teach, the following in bold and italics: "wherein the request for a web page content is received via a Uniform Resource Locator (URL) link published or stored in the Internet"*** however Chiu teaches, uniform resource locators (URLs)... reference to a real location where

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the related information will be located on the INTERNET, col. 1, lines 64-67, and col. 2, lines 1-3.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Chiu** teaching of the method for creating a hypertext language for a distributing network. One of the ordinary skill in the art would have been motivated to modify this combination for increasing the efficiency of the (tool for locating, accessing and communicating data, including computerized text, images and other information throughout the world, Chiu col. 1, lines 51-53).

**7. Claims 2-6, and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch, in view of Yacoby et al. (hereinafter Yacoby) (US Patent No. 6,516,311 B1 issued February 2003).**

**In regard to independent claim 2**, Finch teaches, Internet user enters one or more search term and requests that the search engine find and list Internet sites relating to the search terms, col. 2, lines 6-8; compare with claim 2 *“receiving a request for a web page content from a requestor”*,

Finch also teaches, detects whether a user or a search engine spider accesses a search engine content page, Finch col. 4, lines 3-4; compare with claim 1 *“identifying the requestor is human visitor or a search engine spider”*,

**Finch does not explicitly teach, the following in bold and italics:**

***“dynamically generating one or more web pages optimized for identified search engine spiders; and returning the one or more dynamically generated web pages to the search engine spider”*** however **Jacoby** teaches, parsing server has a utility commonly known as a spider detector. A spider detector functions to deny access to user interactions that are automatically generated by software. Jacoby col. 7, lines 16-19.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 3**, Finch teaches, redirects the user to the company web server or to a client web server, Finch col. 4, lines 8-9; compare with claim 3 *“redirecting identified human visitors to a web page in an existing web site”*.

**In regard to dependent claim 4**, **Finch does not explicitly teach, the following in bold and italics:** ***“wherein different web pages are dynamically generated depending upon the particular search engine spider identified as the requester”***, **Jacoby** teaches, parsing server has a utility commonly known as a spider

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detector. A spider detector functions to deny access to user interactions that are automatically generated by software. Jacoby col. 7, lines 16-19.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

In regard to dependent claim 5, **Finch does not explicitly teach, the following in bold and italics: “wherein updateable templates are merged with user entered data to dynamically generate the one or more web sites”**, Jacoby teaches, software program that generates automatic queries to retrieve information based on the number of requests sent by that purported Internet user, the duration of the requests, and the like, Jacoby col. 10, lines 47-50.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of

(advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 6**, Finch teaches, update events. One update event would be triggered if the prior advertisements failed to produce Internet traffic for the company. Another update event may be simply a period update trigger at which time the advertisements are automatically updated, Finch col. 3, lines 16-19; compare with claim 6 *"wherein updateable templates are merged with information stored in a catalog database to dynamically generate the one or more web sites"*.

**In regard to dependent claim 11**, ***Finch does not explicitly teach, the following in bold and italics: "wherein the redirecting is accomplished via a redirect URL"*** Jacoby teaches, remote web site sends back to the Internet user a REDIRECT command. Using this redirect command, the Internet user establishes a second at the URL and retrieves the desired web site, Jacoby col. 2, lines 35-36.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 12**, ***Finch does not explicitly teach, the following in bold and italics: "updating in real time the redirect URL without***



***affecting the existing URL***” **Jacoby** teaches, REDIRECT command. Using this redirect command, the Internet user establishes a second at the URL and retrieves the desired web site ... when the user clicks a hyperlink on web page. This is accomplished by encoding the web page with a masked "mini" hypertext documents (or applet) containing an advertisement which resides in the computers memory (RAM), without the user knowing it, **Jacoby** col. 2, lines 34-51.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, **Jacoby** col. 2, lines 19-20).

In regard to dependent claim 13, ***Finch does not explicitly teach, the following in bold and italics: “further comprising the step of logging for later reporting and dissemination all requests and actions taken”***, however **Jacoby teaches**, selected advertising is recorded in a history field in the directory database, col. 12, lines 8-9.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill

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in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 14**, Finch teaches, Internet user enters one or more search term and requests that the search engine find and list Internet sites relating to the search terms, col. 2, lines 6-8; compare with claim 14 *"identifying the source link from which a human visitor requests a web page content"*;

**Finch does not explicitly teach, the following in bold and italics: "tracking via use of redirection with an IMAGE tag the human visitor across a plurality of web pages"**, however **Jacoby teaches**, directory database contains records for individuals, businesses, government entities and anyone who establishes a presence on the Internet, col. 7, lines 44-46.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 15**, Finch teaches, timekeeping system, each user, e.g. WC 118B, of the system periodically accesses the application software upon

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the CIWS 108 across the Internet, Finch col. 6, lines 37-40; compare with claim 15  
“whereby tracking occurs across multiple domain”.

In regard to dependent claim 16, Finch *does not explicitly teach, the following in bold and italics: “further including the step of supplementing with additional dynamic code around the IMAGE tag in order to ensure that every request for the IMAGE is unique and to avoid caching the IMAGE data, thereby forcing each request to be processed unique”* Jacoby teaches, Internet user form submitting a telephone number to viewing a web page. The present invention is further directed to a methodology to display a targeted advertisement to an Internet user for a good or service which is of present interest to the Internet user based on that Internet user's desire to view a web page corresponding to a particular telephone number, col. 3, lines 14-20.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

In regard to dependent claim 17, Finch *does not explicitly teach, the following in bold and italics: “further including the step of logging additional information including an email address to which a link was redirected, a referrer*

***URL and all information stored there***” however **Jacoby** teaches, submitting a request to register which specifies a return e-mail address. Upon receipt of the request, the entity establishing the directory database, col. 12, lines 32-34.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

In regard to dependent claim 18, **Finch does not explicitly teach, the following in bold and italics: “further including the step of logging additional information including the value of a any transactions occurring during a human visitor’s visit on a web page, a referrer URL and all information stored there”** however **Jacoby** teaches, selecting an advertising object for an advertiser whose criteria correlates with the criteria for registrant ... advertising server executes a query of the advertising database to yield a query result of an advertiser record for which the advertiser criteria correlates with the registrant criteria, col. 9, lines 34-44.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in

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the art would have been motivated to modify this combination for increasing efficiency of (advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 19, Finch does not explicitly teach, the following in bold and italics: “automatically changing the redirect URL based on real time state information which can be influenced by the interaction of other requestors of web page content”** Jacoby teaches, Internet user enters a telephone number followed by the domain name into any Internet browser address box; for example, "2137086950.bytel.org" (401). A socket is established by which this identifying information is sent to the web page server at ByTel.Org. The parsing server reads the Internet user's identifying information and determines if the navigator is a spider (a software program that generates automatic queries to retrieve information) based on the number of requests sent by that purported Internet user, the duration of the requests, and the like (402). If it is determined that the navigator is a spider, the request is blocked and the web page server sends a warning (403), jacoby col. 10, lines 40-52.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of **Finch** for enhancing the internet base marketing to incorporate web based advertisements with **Jacoby** teaching of the method for linking on the internet with an advertising feature. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of

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(advertising opportunity that arises out of the problems Internet users face in finding a web site, Jacoby col. 2, lines 19-20).

**In regard to dependent claim 20**, Finch teaches, Success in conducting business and advertising upon the Internet requires that "Internet traffic" reach a particular web site or set of web sites. Thus, mechanisms must be put in place that cause "web surfers" and other Internet users to reach a desired web site or set of web sites, Finch col. 1, lines 51-53; compare with claim 20 "*wherein a redirect URL includes information regarding the source of web traffic being logged*").

**In regard to independent claims 21, and 22**, are directed to an apparatus '**as for claim 21**' and are directed to a computer-readable medium '**as for claim 22**' for performing the method of claim 2, and are similarly rejected under the same rationale.

8. **Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch, in view of Chiu, and further in view of Williams (US Pub No. 2003/0149600 A1 issued August 2003).**

**In regard to dependent claim 8**, the combination of **Finch and Chiu do not explicitly teach, the following in bold and italics: "wherein the URL link includes banner advertisements"**, however **Williams** teaches, URLs of other web pages ... advertise (Williams page. 1, paragraph [0005 and 0006]);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination teachings of **Finch and Chiu** for the add-on soft ware to enhancing the internet base marketing to incorporate web based

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advertisements, and post processing imbedded links in a hypertext mark-up language (HTML) for application on the INTERNET WWW, incorporated with the teaching of Williams. One of the ordinary skill in the art would have been motivated to modify this combination for increasing the efficiency of (conducting electronic commerce (i.e., e-commerce). Many web servers have been developed through which vendors can advertise and sell products, Williams page. 1, paragraph [0006]).

**In regard to dependent claim 9, “wherein the URL link includes affiliate links”, Williams teaches, URLs ... Emerald Club ... members, Williams page. 3, paragraph [0042].**

**In regard to dependent claim 10, “wherein the URL link includes e-mail campaigns”, Williams teaches, electronic mail ... ("URL"), Williams page. 1, paragraph [0004].**

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy et al.	U.S. Patent No. 6,096,096	issued	08-2000
Horowitz et al.	U.S. Patent No. 6,122,647 A	issued	09-2000
Stemp et al.	U.S. Patent No. 6,401,094 B1	issued	06-2002

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


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**Quoc A. Tran**

**Patent Examiner**

**Technology Center 2176**

**January 9, 2004**

  
JOSEPH H. FEILD  
PRIMARY EXAMINER